

Chapter 17.72

PLANNED UNIT DEVELOPMENT

Sections:

- 17.72.010 Purpose.
- 17.72.020 General provisions.
- 17.72.030 Definitions.
- 17.72.040 Submission and review of sketch plan.
- 17.72.050 Submission and review of preliminary plat.
- 17.72.060 Submission and review of final plat.
- 17.72.070 Minimum design standards.
- 17.72.080 Changes to adopted plan.
- 17.72.090 Provisions adopted by reference.

17.72.010 Purpose. The purpose of the Planned Unit Development, sometimes in this Chapter referred to as PUD, is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan. It is further intended to achieve economics in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulation, and to protect the general well-being of the inhabitants. (Ord. 8, §1(part), 1976; Ord. 7(part), 1977)

17.72.020 General provisions.

A. A Planned Unit Development may include the uses allowed by right in the zoning district in which the PUD is located.

B. A PUD shall be located along a major street of at least collector status as shown on Major Street Plan as adopted by the Planning Commission, with access to the street approved by the City Planning Commission.

C. The zoning and subdivision regulations contain the minimum standards for any development. Where modification of those standards is in keeping with the intent of this Chapter and can be documented to show beneficial effects, such modification may be permitted. (Ord. 8, §1(part), 1976; Ord. 7(part), 1977)

17.72.030 Definitions. Those terms specific to PUD's are defined for use in this Chapter as set forth in this Section. Additional definitions may be found in Section 16.04.030 of the Subdivision Regulations.

A. "Common open space" means a parcel of land, an area of water, or a combination of land and water within the site designated and intended primarily for the use or enjoyment of residents, occupants and owners of the Planned Unit Development. In a single-family PUD, private yards may be considered common open space.

B. "Plan" means the provisions for development of a Planned Unit Development, which may include and need not be limited to easements, covenants and restrictions relating to use, location and bulk of buildings and other structures, intensity of use or density of development, utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities, common open space, and other public facilities.

C. "Planned Unit Development" means an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk or type of use, density, lot coverage, open space, or other restrictions to the existing land use regulations.

D. "Provisions of the plan" means the written and graphic materials referred to in subsection B of this Section. (Ord. 8, §1(part), 1976; Ord. 7(part), 1977)

17.72.040 Submission and review of sketch plan.

A. The provisions of Section 16.04.050(C), City of Delta Subdivision Regulations, are hereby incorporated in this Section and made a part of this subsection by this reference.

B. In addition to the requirements set forth in the sections of the Subdivision Regulations referred to in subsection A of this Section, the following will be required for a PUD sketch plan:

1. The location and approximate size of all existing and proposed buildings, structures and improvements and their proposed uses;

2. Areas to be conveyed, dedicated or reserved as common open space, including public park and recreational areas, and as sites for schools or other public buildings;

3. The density and type of dwellings. (Ord. 8, §1(part), 1976; Ord. 7(part), 1977; Ord. 40, §1, 1993)

17.72.050 Submission and review of preliminary plat.

A. The provisions of Section 16.04.050(D), City of Delta Subdivision Regulations, are incorporated in this Section and made a part of this subsection by this reference.

B. In addition to the requirements set forth in the sections of the Subdivision Regulations referred to in subsection A of this Section, the following will be required for a PUD preliminary plat:

1. The location and approximate size of all existing and proposed buildings, structures and improvements and their proposed uses;

2. Areas to be conveyed, dedicated or reserved as common open space, including public park and recreational areas, and sites for schools or other public buildings;

3. The density and type of dwellings;

4. Maximum height of all buildings;

5. The internal traffic and circulation system, off-street parking areas, service areas, loading areas, and major points of access to public right-of-way;

6. The location, height and size of proposed signs to include street signs, lighting and advertising devices;

7. A general landscape plan showing the spacing sizes and specific types of landscaping material;

8. A statement of the present ownership and a legal description of all the land included in the planned unit;

9. A statement explaining the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to describe the objectives;

10. A statement outlining the development schedule and indicating the approximate date when construction of the planned unit can be expected to begin and be completed;

11. Copies of any special agreements, conveyances, restrictions or covenants, which will govern the use, maintenance and continued protection of the planned unit and any of its common space areas;

12. The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit. (Ord. 8, §1(part), 1976; Ord. 7(part), 1977; Ord. 40, §1, 1993)

17.72.060 Submission and review of final plat.

A. The provisions of Sections 16.04.050(E), City of Delta Subdivision Regulations, are incorporated in this Section and made a part of this subsection by this reference.

B. In addition to the requirements set forth in the sections of the Subdivision Regulations referred to in subsection A of this Section, the following will be required for a PUD final plat:

1. Final plan showing the location and size of all existing and proposed buildings, structures and improvements and their uses;
2. Certification showing the landowner dedicates or reserves areas of common open space;
3. Final plan showing the density and type of dwelling to be built within the PUD to include the maximum height of all buildings;
4. Final plan showing the internal traffic circulation system, off-street parking areas, service area, loading areas and major points of access to a public right-of-way;
5. Final plan showing the location, height and size of signs, lighting and advertising devices;
6. Final landscaping plan showing the spacing, sizes and specific type of landscaping material;
7. A legal description of the PUD;
8. A final report explaining the character and objectives to be achieved by the PUD;
9. A final report describing the development schedule indicating when construction will start and when the PUD will be completed;
10. Final copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continued protection of the PUD and the common open space areas. (Ord. 8, §1(part), 1976; Ord. 7(part), 1977)

17.72.070 Minimum design standards.

A. The provisions of Section 16.04.070, City of Delta Subdivision Regulations, are incorporated in this Section and made a part of this subsection by this reference.

B. In addition to the requirements set forth in the section of the Subdivision Regulations referred to in subsection A of this Section, the following will be required for a PUD:

1. The uses in a planned unit must be uses permitted of right or permitted by special review in the zoning district in which the planned unit is located. In addition, uses by right in business districts shall be uses by special review in residential planned units, and may be permitted if, in the opinion of the Planning Commission, such uses, if any, to be allowed in a residential planned unit shall be established by the Planning Commission on the basis of these criteria.

2. The planned unit's relationship to its surroundings shall be considered in order to avoid adverse effects to the development caused by traffic circulation,

building height or bulk, lack of screening or intrusion on privacy;

3. Minimum lot area requirements are established in the Subdivision Regulations. These requirements may be modified by the Planning Commission if the developer indicates that such changes are in keeping with the intent of this Title. The Planning Commission must review all PUD's with respect to living space, common open space, parking spaces and traffic circulation.

4. Common Open Space.

a. Common open space shall comprise at least twenty-five percent of the total gross area of a residential PUD. Such open space will be developed and designed for the use of the occupants of the development and shall contain therein adequate space for active recreational activities, and adequately landscaped walkways and parks. Common open space does not include space devoted to streets, parking and loading areas.

b. The Planning Commission may exempt nonresidential PUD's from the common open space requirement if it finds the development will provide for the occupants' or customers' needs for open space in whole or in part by either or a combination of:

i. Public park, mall or recreation features, or a combination thereof, for which the site of the planned unit has or will be levied a special assessment; or

ii. Developed facilities in the planned unit, such as but not limited to common recreational areas or facilities, plazas, balconies or rooftops improved for recreational uses.

c. A reduction in common open space or lot area per dwelling unit shall not be permitted if such reduction would be detrimental to the character of the proposed planned unit or the character of the surrounding area.

d. The Planning Commission may determine that all or a part of stream areas, bodies of water, and slopes in excess of fifteen percent may be included as usable open space. In making this determination, the Planning Commission shall be guided by the following factors:

i. The extent of those areas in relation to the area of the planned unit; and

ii. The degree to which these areas contribute to the quality, livability and amenity of the planned unit.

5. Off-street parking will be determined by the subdivision/zoning regulations. These regulations may be altered by the Planning Commission if the character of the PUD

is such that changes to the requirements are in keeping with the intent of this Title. (Ord. 8, §1(part), 1976; Ord. 7(part), 1977)

17.72.080 Changes to adopted plans.

A. Minor Plan Changes. The terms, conditions of an adopted PUD plan may be changed from time to time provided as follows: The City's development department director, or other agent as authorized by the City Manager, may approve minor modifications in the location, sizing and height of buildings and structures if required by engineering or other circumstances not foreseen at the time the plan was formally approved, so long as the modification does not result in:

1. An increase of more than five percent (5%) in the gross residential density;
2. An increase of more than five percent (5%) in the floor area proposed for nonresidential use of a commercial or industrial nature;
3. An increase of more than five percent (5%) in the total ground area covered by buildings except in single-family residential areas; and
4. A reduction of more than three percent (3%) in the area set aside for common open space. Minor modifications in the location of streets and underground utilities may be approved under this subsection A.

B. Plan Changes Involving Land Uses. Any uses that are not approved in a final PUD plan but are allowable in the pertinent zoning district as a permitted use may be added to the PUD plan upon approval of any such alteration by the Planning Commission and City Council at regularly scheduled meetings.

C. Major Plan Changes. All other modifications of an adopted and recorded PUD plan shall be regarded as "major modifications", and shall be subject to the following application and review procedures:

1. Any application for major modifications of a previously approved and recorded PUD plan shall be submitted on forms provided by the City, and a fee equal to that which is required for the initial filing of a full PUD plan shall be paid to the City at the time of any such application.
2. Review and approval of any application filed pursuant to this subsection C shall be subject to compliance with all with all the criteria and procedural steps required for review and approval of a PUD plan under Chapter 17.72 of the Delta Municipal Code excluding, however, the requirements for filing a sketch plan under Section 17.72.040 thereof. Such review and

approval shall also be subject to compliance with all other applicable City Code sections that may be generally contemplated by said Chapter 17.72. Complete engineering and design drawings of the proposed major modification of a PUD plan shall be submitted with the application therefor, detailing the proposed changes and demonstrating compliance with all legal requirements.

3. A public review process generally following the procedures set forth in the Delta Municipal Code Section 17.04.290 shall also be required as a pre-condition of approval of any major modification of a PUD plan. In that regard, the concept of notice to owners of record required under Delta Municipal Code Section 17.04.290(D)(3) shall be expanded to include all record owners of properties within the boundaries of the originally approved PUD plan and all record owners of properties immediately adjoining said boundaries and with a distance of five hundred feet (500') plus the width of any intervening public right-of-way.

4. The City Planning Commission may recommend for ultimate approval by the City Council the proposed major changes to a PUD plan if it determines that all of the following criteria are substantially met:

a. The requested change will not adversely affect the public health, safety and welfare.

b. The requested change is the minimum that will afford relief and allow for reasonable use of the property sought to be affected by the application.

c. The requested change will not result in development that is incompatible with other property uses and/or building improvements within the pertinent PUD boundaries or in the adjoining areas, and will not substantially impair the value or development of such other property within or outside of the area covered by the originally approved plan.

5. The City Planning Commission may impose such additional conditions of approval as may be reasonably necessary to ensure that the above criteria are met. (Ord. 8, §1(part), 1976; Ord. 7(part), 1977; Ord. 5, §1, 2008)